August 29, 2003

DIRECTIVE: JOB CORPS PROGRAM INSTRUCTION NO. 03-03

TO: ALL JOB CORPS NATIONAL OFFICE SENIOR STAFF
                    ALL JOB CORPS REGIONAL DIRECTORS
                    ALL JOB CORPS CENTER DIRECTORS
                    ALL JOB CORPS CENTER OPERATORS
                    ALL NATIONAL TRAINING AND SUPPORT CONTRACTORS
                    ALL OUTREACH, ADMISSIONS AND CTS CONTRACTORS

FROM: RICHARD C. TRIGG
                    National Director
                    Office of Job Corps

SUBJECT: Workforce Investment Act (WIA) Section 188 Disability Checklist

1.   Purpose. To provide center and outreach and admissions (OA) staff with information about the of 1998 WIA Section 188 Disability Checklist, a tool designed to ensure that programs and activities operated by recipients of financial assistance under WIA are meeting their disability-related responsibilities.

2.   Background. The U.S. Department of Labor, Civil Rights Center (CRC), in cooperation with the Office of the Assistant Secretary for the Employment and Training Administration (ETA) and the Office of the Assistant Secretary for Disability and Employment Policy (ODEP), have developed a WIA Section 188 Disability Checklist. This checklist will provide CRC with a uniform procedure for measuring compliance with those provisions of WIA section 188 and the implementing regulations (29 CFR Part 37) pertaining to persons with disabilities. This checklist does not create new legal requirements or change current legal requirements. It is intended to serve as a basic resource document on CRC-administered laws pertaining to persons with disabilities.

        Since Job Corps is a WIA-funded program and, therefore, must meet the requirements of section 188, this checklist will be a valuable tool to ensure that the program is meeting its disability-related obligations. The entire checklist can be downloaded at http://www.dol.gov/oasam/programs/crc/section188.htm. The appendix to the checklist includes examples of policies, procedures and other recommended steps that Job Corps can take to ensure that people with disabilities have equal access to the program.

Portions of the checklist applicable to center level responsibilities have been summarized and are discussed below. If guidance is available, it is referenced after each responsibility. Additional guidance is available throughout the Job Corps disability web site, www.jobcorpshealth.com/disability. The section of the site on developing a center disability program, http://www.jobcorpshealth.com/disability/html/dis%20model_main.htm, will be particularly useful.

RESPONSIBILITY: DESIGNATE EQUAL OPPORTUNITY OFFICER

Task 1: Designate a center Equal Opportunity Officer who meets eligibility criteria and assumes prescribed responsibilities (such as monitoring, investigating, reviewing written policies, and undergoing training) with regard to persons with disabilities.

Guidance: Follow PRH-6: 6.8, R3(a) and Appendix 602.

RESPONSIBILITY: PROVIDE NOTICE AND COMMUNICATION

Task 1: Provide for initial and continuing notice that the center does not discriminate on the basis of disability.

Guidance: Follow PRH-6: 6.8 and Appendices 601 and 602.

PRH-1: 1.2, R1 details information to be provided by outreach and admissions staff.

Task 2: Ensure that communications with individuals with disabilities are as effective as communications with others.

- Provide appropriate auxiliary aids and services when necessary.

- Give primary consideration to the requests of the individual with a disability when determining what type of auxiliary aid or service is appropriate.

- Use telecommunication devices for individuals with hearing impairments (TDDs/TTYs) or equally effective communication systems, such as telephone relay services.

- Ensure that interested individuals, including individuals with visual and hearing impairments, can obtain information as to the existence or location of accessible services, activities, and facilities, including the provision of appropriate signage at the primary entrances to inaccessible facilities.

Guidance: Follow guidelines outlined in Information Notice 01-19.

Program Instruction 00-08 (Reasonable Accommodation Guidelines) provides information on how to provide an auxiliary aid or service.

The Americans with Disabilities Act Checklist for Readily Achievable Barrier Removal (attachment to Program Instruction 98-20) provides information on appropriate signage.

Task 3: Indicate in recruitment brochures and other materials that Job Corps is an "equal opportunity employer/program" and that "auxiliary aids and services are available upon request to individuals with disabilities".

Guidance: Follow guidelines outlined in Information Notice 01-19.

Task 4: Include the telephone number of the TDD/TTY or relay service on marketing, recruitment, and other materials that indicate the outreach and admissions (OA) contractor may be reached by telephone.

Guidance: Follow guidelines outlined in Information Notice 01-1.

RESPONSIBILITY: PROVIDE REASONABLE ACCOMMODATION/MODIFICATION FOR INDIVIDUALS WITH DISABILITIES

Task 1: Provide reasonable accommodations to applicants/students with disabilities.

Guidance: Program Instruction 00-08 states the Job Corps reasonable accommodation policy and offers guidelines for developing policies and procedures to ensure that all applicants and students are provided reasonable accommodation.

PRH-1: 1.2 details information on providing reasonable accommodation information and collecting information relating to an applicant's reasonable accommodation needs.

PRH-1: Appendix 103 provides additional information on the reasonable accommodation process.

The appendix to the WIA checklist has some great examples of how to ensure a reasonable accommodation/modification is being provided; most are relevant to Job Corps. For example, OA contractors should ask all applicants (including individuals with disabilities) whether they need assistance during the admissions process.

RESPONSIBILITY: PROVIDE PROGRAMMATIC AND ARCHITECTURAL ACCESSIBILITY FOR PERSONS WITH DISABILITIES

Task 1: Ensure that the center, when viewed in its entirety, is readily accessible to qualified individuals with disabilities.

Guidance: Program Instruction 98-20 provides guidance on programmatic accessibility.

The Job Corps disability web site contains detailed information on accessibility, including a self-evaluation tool for determining program accessibility, http://www.jobcorpshealth.com/disability/html/dis%20model_access.htm#prog.

Task 2: Ensure that the design, construction, or alteration of a center meets the most current standards for physical accessibility prescribed by the General Services Administration under the Architectural Barriers Act.

Guidance: Program Instruction 98-20 provides centers with information on how to identify accessibility challenges and to develop a plan to become more accessible using existing resources.

Current Job Corps Architecture/engineering (A/E) language reflects that the policy is to follow Uniform Federal Accessibility Standards (UFAS) guidelines except where ADAAG (Americans with Disabilities Act Accessibility Guidelines) guidelines provide greater accessibility.

Standard language in request for proposals (RFPs) and statement of works (SOWs) for OAP contractors should reflect the need for OA facilities to be accessible as required by law.

3.   Action. Appropriate center and OA staff should review the WIA Section 188 Disability Checklist and the responsibilities outlined in this directive to ensure the center/contractor is meeting the disability-related requirements imposed by WIA. If action needs to be taken at the center level, the center director's disability designee (CDD) should immediately incorporate these actions into the center's disability program.

4.   Expiration Date. Until superseded.

5.   Inquiries. Direct any inquiries to Barbara Grove, RN at (202) 693-3116, or grove.barbara@dol.gov.